

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-210708

DATE: February 17, 1983

MATTER OF: Guida Clothing Co., Inc.

DIGEST:

GAO will not review a contracting officer's determination that a small business is not responsible since the Small Business Administration is authorized by statute to certify conclusively whether small business concerns are responsible.

Guida Clothing Co., Inc. protests an award to any other firm under invitation for bids No. DLA100-83-B 0195, a small business set-aside for cold weather trouser liners, issued by the Defense Personnel Support Center, Defense Logistics Agency. The basis of the protest is the decision by the contracting officer that Guida, the low bidder, is nonresponsible.

We will not consider the matter.

Since Guida is a small business, the contracting officer has referred the matter to the Small Business Administration (SBA) for its review under the certificate of competency procedures. Pursuant to the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. IV 1980), the SBA has the authority to certify conclusively whether small business concerns are responsible to receive and perform Government contracts. In view of that specific statutory authorization, our Office will not review a contracting officer's determination that a small business is nonresponsible. See Aspen Reforestation, B-206144, February 4, 1982, 82-1 CPD 95.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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